

AO 91 (Rev. 5/85) Criminal Complaint

# United States District Court

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

CARLOS ZAPATA

## CRIMINAL COMPLAINT

CASE NUMBER: 01-M00013-LPC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Between September 4, 1999 ~~on or about~~ and January 3, 2001 in Essex county, in the

District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

move and travel in interstate and foreign commerce with intent to avoid prosecution, custody and confinement after conviction under the laws of the Commonwealth of Massachusetts for the crimes of assault and battery with a dangerous weapon, armed assault in a dwelling, aggravated rape, and breaking and entering in the nighttime, in violation of M.G.L. ch. 265, Sections 15A, 18A and 22, and of M.G.L. ch. 266, Section 16A, all crimes which are felonies under the laws of the Commonwealth of Massachusetts from which said Carlos Zapata fled.

in violation of Title 18 United States Code, Section(s) 1073.

I further state that I am a(n) Special Deputy U.S. Marshal and that this complaint is based on the following facts:

Official Title

set forth in the attached affidavit of Mark S. Lynch which is incorporated herein for all purposes.

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

  
Mark S. Lynch  
Signature of Complainant

Sworn to before me and subscribed in my presence,

03-02-2001

Date

at

Boston, Massachusetts

City and State

Lawrence P. Cohen  
United States Magistrate Judge

Name &amp; Title of Judicial Officer

  
Signature of Judicial Officer

**AFFIDAVIT**

March 2, 2001  
Boston, Massachusetts

I, Mark S. Lynch, Special Deputy United States Marshal, being duly sworn, depose and state as follows:

1. I am a Sergeant with the Massachusetts State Police currently assigned to the High Intensity Drug Trafficking Area (HIDTA) Fugitive Task Force.

2. The Essex County District Attorney's Office has requested the assistance of the HIDTA Fugitive Task Force in the location and apprehension of CARLOS ZAPATA.

3. I have reviewed records of the Essex County District Attorney's Office and have been advised by Essex County First Assistant District Attorney Robert N. Weiner of the following:

a. CARLOS ZAPATA was charged with the crimes of assault and battery with a dangerous weapon, armed assault in a dwelling, aggravated rape, and breaking and entering in the nighttime with intent to commit a felony pursuant to complaints that was issued on September 7, 1999 in the Salem District Court in Essex County, Massachusetts;

b. The crimes of assault and battery with a dangerous weapon, armed assault in a dwelling, aggravated rape, and breaking and entering in the nighttime with intent to commit a felony are felonies under Massachusetts General Laws, Chapter 265, Sections 15A, 18A and 22, and Chapter 266, Section 16A;

c. On September 7, 1999, an arrest warrant was issued

out of the Salem District Court in Essex County, Massachusetts for the apprehension of CARLOS ZAPATA;

d. An investigation by the Massachusetts State Police has determined that CARLOS ZAPATA is no longer residing in the Commonwealth of Massachusetts;

e. Law enforcement efforts to locate CARLOS ZAPATA within the Commonwealth of Massachusetts have been unsuccessful;

f. It is believed that CARLOS ZAPATA has fled the Commonwealth of Massachusetts and may have traveled to New York or Florida;


g. The Essex County District Attorney's Office will rendite CARLOS ZAPATA if he is apprehended outside the District of Massachusetts.

4. Attached hereto and made a part hereof is a true copy, pursuant to M.G.L. Ch. 276, sec. 23A, of the arrest warrant issued by the Salem District Court in Essex County, Massachusetts on September 7, 1999.

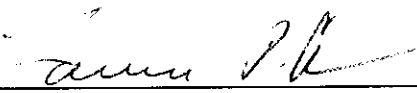
5. Based upon the foregoing facts and upon my experience and training as a Massachusetts State Police Sergeant and a Special Deputy U.S. Marshal, I believe that there is probable cause to believe that CARLOS ZAPATA has fled the Commonwealth of Massachusetts to avoid prosecution for a crime which is a felony under the laws of the Commonwealth of Massachusetts, and that CARLOS ZAPATA may presently be located in New York or Florida.

I hereby certify that the foregoing is true and correct.

Executed at Boston, Massachusetts, this 2nd day of March,  
2001.

  
\_\_\_\_\_  
MARK S. LYNCH  
Special Deputy U.S. Marshal

Subscribed and sworn to before me this 2<sup>nd</sup> day of March, 2001.

  
\_\_\_\_\_  
LAWRENCE P. COHEN  
United States Magistrate Judge

\_\_\_\_\_ The defendant has been arrested as ordered by the court.  
 \_\_\_\_\_ I am returning the warrant without service to the court.

Date of Arrest	Signature of Person Making Service	Title of Person Making Service	Department If different
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-----ZAPATA, CARLOS----- W5037400-----  
 Commonwealth of Massachusetts Criminal Justice Information System  
 Trial Court of Massachusetts - Warrant Management System  
 Pursuant to Massachusetts General Laws ch.275 s.23A this is a TRUE WARRANT on  
 the person named herein as contained in the Warrant Management System and  
 printed via Criminal Justice Information System.  
 This Warrant Printed as of 15:16 on 01/25/01

Defendant Information:

Name: ZAPATA, CARLOS	SS#: 013761877
Address: 73 HARBOR ST	Race: B Sex: M
APT 309	Hair: BLK Eyes: BRO
City: SALEM MA 01970	Weight: 150 Height: 5'00"
	Complexion: Marked:
Date of Birth: 03/03/1975 Place of Birth: ME	Date of Emancipation: 00/00/0000
Father: ZAPATA, CARLOS	Mother:
Known Alias:	Ref No: W5037400
	PCF NO: 03002407012

License No:	Miss No:
License State: MA	Obtn No:
	CC No: 229307

Warrant Information:

Issue Date: 09/07/1999	Court of Issue: 30 - SALEM DISTRICT	Docket: 9036CR002050
Type: S - STRAIGHT		40028
Date of Complaint: 09/07/1999		
Offense Date: 09/04/1999	Offense Location: SALEM	

Count	Offense Code	Description
1 F	265/15A/A	A&B WITH DANGEROUS WEAPON c265 015A
1 F	265/18A	ASSAULT IN DWELLING, FIREARM-ARMED c265 S18A
1 F	265/22/B	RAPE, AGGRAVATED c265 022
1 F	266/16/A	D&E NIGHTTIME FOR FELONY c266 S16

Court Information: STRAIGHT WARRANT

Assigned for Service To: SAL - SALEM PD  
 Warrant printed by: NAR DANVERS SP - NARCOTICS

Officer Name:	Fine Amount:
Judge's Name: CORNETTA, ROBERT	Bail Amount:
	None set
Return Date/Time: 00/00/0000 00:00	Recall Date/Time: 00/00/0000 00:00

\* \* \* Return of Service on Page 2 \* \* \*

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Commonwealth of Massachusetts - Criminal Justice Information System

Trial Court of Massachusetts - Warrant Management System

Pursuant to Massachusetts General Laws ch.278 s.22A this is a TRUE WARRANT on the person named herein as contained in the Warrant Management System and printed via Criminal Justice Information System.

TO ANY OFFICER AUTHORIZED TO SERVE CRIMINAL PROCESS:

The court has ordered that the above warrant issue against the above defendant.

Therefore you are hereby commanded to arrest the above named defendant and bring the defendant forthwith before this court to answer to the offense(s) listed above and to be dealt with according to law.

Return of Service: By virtue of this warrant, I certify that:

\_\_\_\_\_ The defendant has been arrested as ordered by the court.  
 \_\_\_\_\_ I am returning the warrant without service to the court.

Date of Arrest	Signature of Person Making Service	Title of Person Making Service	Department If different
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